

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/580,628	OBERSTEINER ET AL.
	Examiner Jason Y. Pahng	Art Unit 3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 1-10.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 5/24/2006
4.  Examiner's Comment Regarding Requirement for Deposit of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

It is noted that the following amendment has been made to resolve minor antecedent basis issues only. The claims have not been changed materially in their substance.

The application has been amended as follows:

With regard to claim 1, line 5, the phrase, "the motor", has been deleted and replaced by the phrase ---a motor--- .

With regard to claim 1, line 15, the phrase, "retaining means", has been deleted and replaced by the phrase ---the retaining means--- .

With regard to claim 1, line 16, the phrase, "a retaining member", has been deleted and replaced by the phrase ---at least one first retaining member--- .

With regard to claim 1, line 17, the phrase, "a retaining member", has been deleted and replaced by the phrase ---a second retaining member--- .

With regard to claim 1, line 19, the phrase, "the retaining member", has been deleted and replaced by the phrase ---the at least one first retaining member--- .

With regard to claim 1, line 22, the phrase, "the retaining member", has been deleted and replaced by the phrase ---the at least one first retaining member--- .

With regard to claim 1, line 24, the phrase, "the retaining member", has been deleted and replaced by the phrase ---the second retaining member--- .

With regard to claim 2, lines 3 and 4, the phrase, "the retaining member", has been deleted and replaced by the phrase ---the second retaining member--- .

With regard to claim 7, lines 1 and 2, the phrase, "two retaining members adjustable in opposite directions to one another are", has been deleted and replaced by the phrase ---the at least one first member comprises two first retaining members adjustable in opposite directions to one another and are--- .

With regard to claim 8, line 2, the phrase, "two retaining members", has been deleted and replaced by ---two first retaining members--- .

With regard to claim 9, line 2, the phrase, "sliding locking members is biased", has been deleted and replaced by ---first retaining members comprises sliding locking members biased--- .

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

The prior art of record discloses a food processor comprising a housing with a housing wall and in which base unit a motor is housed and which base unit comprises a shaft configuration rising from the housing wall and comprising a drive shaft drivable by means of the motor and led through the housing wall; a work container comprising a bottom wall and a hollow cylindrical extension partially surrounding the shaft configuration; and a cover for the work container. However, the prior art of record does

not disclose or render obvious all of the details of the limitations of independent claim and, in particular, a food processor comprising a first retaining member adjustably held on the cover and adjustable between a retaining position and a release position and a second retaining member provided on the base unit; adjusting means for adjusting the first retaining member adjustably held on the cover; wherein the first retaining member adjustably held on the cover is arranged in the region of the inside of the cover; and wherein the second retaining member is provided on the base unit by means of the shaft configuration.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They include Pavlovic et al. (US 2003/0070564), Unteregger (US 6,986,476), Starr (US 6,971,597), and Starr et al. (US 6,814,323).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:30 AM - 8:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks H. Derris can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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